IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 33966 of 2005(R)

PETITIONER:

JAMES JOSE, AGED 24 YEARS,
S/O.JOSE VARGHESE, INCHACKAL HOUSE,
SANKAR HOSPITAL JUNCTION, KOLLAM.

BY ADV. SRI.P.JACOB VARGHESE
SMT.V.A.GANGUJA
SRI.V.MANOJ KUMAR
SRI.VIVEK VARGHESE P.J.

RESPONDENTS:

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1. THE UNVIERSITY OF KERALA, REPRESENTED
BY THE REGISTRAR, THIRUVANANTHAPURAM.

2. THE DIRECTOR T.K.M.INSTITUTE OF
MANAGEMENT, MUSALIYAR HILLS, KARUVELIL, KOLLAM.

3. THE VICE CHANCELLOR, UNIVERSITY OF
KERALA, THIRUVANANTHAPURAM.

4. THE VICE CHANCELLOR,
UNIVERSITY OF KERALA, TRIVANDRUM.

BY ADV. SRI.HARUN-AL-RASHID
SRI.S.GOPAKUMARAN NAIR, SC KERALA UTY.
SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	COPY OF THE B.SC MLT DEGREE CERTIFICATE ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH & SCIENCE TO THE PETITIONER.
EXT.P2	COPY OF THE PROSPECTUS PUBLISHED BY THE 2ND RESPONDENT.
EXT.P3	COPY OF THE LETTER DATED 06.05.2005 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
EXT.P4	COPY OF THE RECEIPT DATED 24/05/2003 ISSUED BY T.K.M.INSTITUTE OF MANAGEMENT.
EXT.P5	COPY OF RECEIPT DATED 24/05/2003 ISSUED BY T.K.M.INSTITUTE OF MANAGEMENT.
EXT.P6	COPY OF RECEIPT DATED 15.01.2004 ISSUED BY T.K.M.INSTITUTE OF MANAGEMENT.
EXT.P7	COPY OF LETTER DATED 4.4.05 BY THE PETITIONER TO THE 4TH RESPONDENT THROUGH THE 2ND RESPONDENT.
EXT.P8	COPY OF MEMO DATED 19.9.05 ISSUED BY THE 1ST RESPONDENT.
EXT.P9	COPY OF LETTER DATED 11.11.05 ISSUED BY UNIVERSITY OF CALICUT.
EXT.P10	COPY OF REPRESENTATION DATED 5.10.2005 BY THE PETITIONER TO THE HON'BLE MINISTER FOR EDUCATION.
EXT.P11	COPY OF THE HALL TICKET NO.221 ISSUED TO THE PETITIONER BY THE UNIVERSITY OF KERALA.

RESPONDENT'S EXHIBITS

EXT.R1(a)	COPY OF THE RELEVANT PAGE OF THE MINUTES OF THE MEETING OF THE ACADEMIC COUNCIL.
EXT.R1(b)	COPY OF THE JUDGMENT IN WP(C) NO. 26718/2004 DATED 25.7.2005.
EXT.R2(a)	COPY OF THE FORM -A DATED 24.5.2003.
EXT.R2(b)	COPY OF THE UNDERTAKING DATED 24.5.2003.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) NO. 33966 OF 2005 R

Dated, this the 13th day of February, 2007

J U D G M E N T

Petitioner took B.Sc degree in Medical Laboratory Technology (MLT) from the Rajiv Gandhi University of Health Sciences, Bangalore and being a graduate he was admitted to MBA course in 2003 by the second respondent, which is affiliated to Kerala University. Even though the petitioner completed the course in 2005 and wrote all the examinations, results are not published because the degree obtained by petitioner is not recognized by the Kerala University, for the reason that the equivalent course conducted by the Colleges affiliated to the Kerala University in Medical Laboratory Technology is for four years. Ext.P8 order issued to the petitioner is under challenge. University has produced the proceedings of the Board of Studies, pursuant to which Ext.P8 was issued.

2. I have heard the learned counsel for the petitioner, the learned Standing Counsel for the University and the learned

counsel appearing for the 2nd respondent.

3. The reasons pointed out by the Board of Studies in Ext.R1(a), while refusing to treat the degree obtained by the petitioner as equivalent to B.Sc. Medical Laboratory Technology (MLT) degree awarded by the Kerala University, are perfectly valid because the four year degree course conducted in that subject in Kerala under Kerala University is quite elaborate and is a professional degree course. The three-year course attended by the petitioner is certainly not equivalent to the degree awarded in same subject by the Kerala University. However, the question to be considered is not whether the degree obtained by the petitioner is equivalent to B.Sc Medical Laboratory Technology (MLT) degree awarded by Kerala University because the petitioner is not pursuing any higher studies in Medical Laboratory Technology and is also not seeking an employment in Kerala, where the four year degree is the qualification for employment. On the other hand, the petitioner has got only admission for MBA course, for which basic qualification is a

degree in any subject, which includes any subjects even in language like Malayalam, Hindi or Arabic. The course study in graduate course, whether Arts or Science or Commerce or language, is not so extensive as that of a four year professional degree course like B.Sc Medical Laboratory Technology (MLT) awarded by Kerala University. Therefore, what the Board of Studies should have considered is not whether petitioner's degree is equivalent to the degree awarded in the same subject by the Kerala University but whether it can be treated as basic qualification for admission to MBA course. This is not considered in the decision taken by the Board of Studies. If the degree obtained by the petitioner is after completing a three-year course, it should be equal to degrees awarded by the Kerala University after three-year studies in many subjects. In the circumstances, I dispose of the writ petition with a direction to the University to refer the matter to the Board of Studies to consider whether degree obtained by the petitioner can be treated as equivalent to a graduate degree awarded by Kerala University after completing three year course, which is sufficient

for the purpose of admission to MBA course. The Board of Studies is directed to take a decision in this matter within one month from the date of production of a copy of this judgment, and if the degree obtained by the petitioner is equivalent to any graduate degree awarded by the Kerala University, then the same will be declared for the purpose of regularization of admission obtained by the petitioner and if the decision is positive, petitioner's result in the MBA final year examination should be published immediately thereafter.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

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